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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,699	03/27/2001	Doug L. Rollins	MPATENT.163A	9926

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/818,699	ROLLINS, DOUG L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh Dieu Nguyen	2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 9/25/2006 has been entered.

2. This action is in response to the communication dated 9/25/2006 with the amendments to claims 1, 5 and 7-8 and the cancellation of claims 2-4, 6 and 9 and the addition of claims 10-20.

3. Claims 1, 5, 7-8 and 10-20 are pending.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 5 and 7-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 1, 5 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended limitation "comparing the owner of the encryption key obtained from the attribute with the requestor to determine whether the requestor is the owner of the encryption key" is not properly described in the application as filed (page 12, lines 13-29).

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is being done with the result of the comparison? How is the result tie to a method of transferring data over a computer network as cited in the claim preamble?

### ***Specification***

8. The amendment filed 9/25/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: comparing the owner of the encryption key obtained from the attribute

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with the requestor to determine whether the requestor is the owner of the encryption key.

Applicant is required to cancel the new matter in the reply to this Office Action.

9. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required. The specifications are not clear on comparing the owner of the encryption key obtained from the attribute with the requestor to determine whether the requestor is the owner of the encryption key.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 8, 10-12 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons et al. (2001/0039659) in view of Brundett et al. (6,249,866).

a) As to claims 1 and 8, Simmons discloses a system and method for transferring data over a computer network from a network server to a client computer system, the method comprising receiving a request by a requestor

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using a client computer system for data from at least one network server (see Simmons, paragraph 0006). Simmons does not specifically disclose checking an attribute to determine whether the requested data is encrypted with an encryption key; if the requested data is encrypted with the encryption key, checking the attribute of the requested data to determine an owner of the encryption key and comparing the owner of the encryption key obtained from the attribute with the requestor to determine whether the requestor is the owner of the encryption key. Brundett discloses checking an attribute to determine whether the requested data is encrypted with an encryption key (see Brundett col. 13, lines 20-21), checking the attribute of the requested data to determine an owner of the encryption key and comparing the owner of the encryption key obtained from the attribute with the requestor to determine whether the requestor is the owner of the encryption key (see Brundett, col. 8, lines 30-45; col. 14, lines 56-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of checking an attribute to determine whether the requested data is encrypted with an encryption key; if the requested data is encrypted with the encryption key, checking the attribute of the requested data to determine an owner of the encryption key and comparing the owner of the encryption key obtained from the attribute with the requestor to determine whether the requestor is the owner of the encryption key in the system of Simmons as Brundett teaches so as to provide security of those files that are determined to be protected.

b) As to claims 10, 15 and 18, Simmons discloses automatically retrieving the encryption key associated with the requestor from the client

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computer system; encrypting the requested data with the encryption key associated with the requestor automatically and without user intervention to create encrypted data and sending the encrypted data to the client computer system (paragraphs 0016, 0041, 0046).

c) As to claims 11, 16 and 19, examiner takes official notice that sending notification, warning and alert messages are well-known in the network communication and what is in the message purely a design choice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of sending a notification message to inform users with more information.

d) As to claims 12, 17 and 20, please see addressed claim 1.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons et al. (2001/0039659) in view of Brundett et al. (6,249,866) (2003/0046366) and further in view of Schneier (Applied cryptography).

Simmons discloses a system and method for data storing and retrieving comprising automatically generating independently of information from a network server a public encryption key and a corresponding private encryption key in a client computer system; storing the public encryption key and the corresponding private encryption key in the client computer system (see Simmons, paragraph 0041) and requesting the data file by a requestor from the network server using the client computer system (see Simmons, paragraph 0006). Simmons does not specifically disclose associating an attribute with a data file, the attribute

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indicating whether the data file is encrypted with the public encryption key when stored on the network server, and the attribute indicating an owner of the public encryption key; checking the attribute of the requested data file to determine whether the requested data file is encrypted; if the requested data file is encrypted, checking the attribute of the requested data file to determine an owner of the public encryption key and comparing the owner of the public encryption key obtained with the attribute with the requestor to determine whether the requestor is the owner of the public encryption key. Brundett discloses associating an attribute with a data file, the attribute indicating whether the data file is encrypted with the public encryption key when stored on the network server, and the attribute indicating an owner of the public encryption key; checking the attribute of the requested data file to determine whether the requested data file is encrypted; if the requested data file is encrypted, checking the attribute of the requested data file to determine an owner of the public encryption key and comparing the owner of the public encryption key obtained with the attribute with the requestor to determine whether the requestor is the owner of the public encryption key (see Brundett, Fig. 7, file metadata; col. 13, lines 20-21; col. 8, lines 30-45; col. 14, lines 56-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of associating an attribute with a data file, the attribute indicating whether the data file is encrypted with the public encryption key when stored on the network server, and the attribute indicating an owner of the public encryption key; checking the attribute of the requested data file to determine whether the



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requested data file is encrypted; if the requested data file is encrypted, checking the attribute of the requested data file to determine an owner of the public encryption key and comparing the owner of the public encryption key obtained with the attribute with the requestor to determine whether the requestor is the owner of the public encryption key in the system of Simmons as Brundett teaches so as to provide security of those files that are determined to be protected. Simmons and Brundett disclose encryption keys however they do not specifically disclose public and private encryption key where the data file is encrypted with public key. Schneier discloses public key algorithm where often the encryption key is called the public key and the decryption key is called private key (pages 4-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of public key algorithm in the system of Simmons and Brundett as Schneier teaches so as to efficiently encrypt data files.

13. Claim 7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons et al. (2001/0039659) in view of Brundett et al. (6,249,866) in view of Schneier (Applied cryptography) and further in view of Eldridge et al. (6,094,721).

Simmons, Brundette and Schneier do not explicitly disclose the public and private key are based on a password.

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Elridge discloses a method and apparatus for updating the password status of one of more servers in a client/server environment comprising public and corresponding private key derived from password (col. 5, lines 33-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of generating public and private key from a password as Elridge teaches in the system of Simmons, Pardikar and Schneier so as to secure password access.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdn  
10/25/06

  
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SUPERVISORY PATENT EXAMINER